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**REMARKS****INTRODUCTION:**

In accordance with the foregoing, claims 1-3, 5, 7, 14, and 16 have been amended, and claims 17-20 have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-20 are pending and under consideration.

In the Office Action, at page 6, the Examiner indicated that claims 14-16 would be allowable if rewritten in independent form. Claim 14 has been rewritten in independent form to include the subject matter of original claims 1, 7, and 8, with minor stylistic changes. Claim 16 has been rewritten in independent form to include the subject matter of original claims 1 and 7, with minor stylistic changes. Claim 15 depends from claim 14. Applicants respectfully submit that claims 14-16 are allowable.

**REJECTION UNDER 35 U.S.C. §102:**

In the Office Action, at page 2, claims 1-4, 6, 12 and 13 were rejected under 35 U.S.C. §102 in view of Ouchi et al (U.S. Patent No. 6,299,542 - hereinafter Ouchi). This rejection is traversed and reconsideration is requested.

Amended, independent claim 1 recites "...at least one of said substantially spherical inner surface of the outer race and each of the track grooves in the outer race being defined by a post-hardening cut surface"

Ouchi, merely discloses surface hardening, and does not disclose nor suggest that any hardened surface is subsequently cut. "Namely, the surface of each of the two engagement grooves 107, 108 is hardened to such an extent that a surface hardness thereof is on the order of H<sub>R</sub> C60 to H<sub>R</sub> C64 by hardening a carbon steel." Ouchi at col. 18, lines 64-67. Typically, surfaces are ground, not cut, after hardening or heat treatment.

Applicants respectfully submit that Ouchi does not disclose any surface that is "...defined by a post-hardening cut surface."

Further, at page 3 of the Office Action, the Examiner maintains that the claimed "post-hardening cut surface" discloses a method of forming the claimed device, and that the limitation

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has not been given patentable weight. But no method is disclosed. Rather, the "post-hardening cut surface" describes a surface of the claimed constant velocity universal joint. Such surface is part of the structure of the joint. Thus, the limitation should be given patentable weight.

Consequently, Applicants respectfully submit that claim 1 patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons.

Similarly, claim 3 recites "...wherein of the substantially spherical outer surface, the substantially spherical inner surface, and the pockets, at least the pockets have respective inner surfaces which are defined by a post-hardening cut surface."

Even assuming *arguendo*, that the "hardened" surface of Ouchi discloses a post-hardening cut surface, the cited portion of Ouchi (col. 18, lines 64-67) still fails to state that pockets 110(a) and (b) are defined by such a surface.

Additionally, in the Office Action, at page 3, the Examiner asserts that Ouchi, in FIG. 19, discloses track grooves in the outer race having an oval transverse shape.

Claim 12 recites "The constant velocity universal joint as claimed in Claim 1, wherein each of the track grooves in the outer race has a transverse sectional shape that is oval."

In col. 36, lines 11-17, Ouchi discloses "...that the cage 423 constituting the above constant velocity joint 410a is held between the outer peripheral surface of the inner race 422a and the inner peripheral surface of the housing unit 411a, and the plurality of pockets 427 each elongating in the circumferential direction are formed in positions aligned with the above two engagement grooves 425a, 426a."

While FIGS 19A and 19B may appear to suggest an oval shape, the specification of Ouchi fails to teach or disclose forming the engagement grooves 425a and 426a as an oval. As noted in MPEP 2125, "[w]hen the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000). Accordingly, Applicants respectfully submit that FIGS 19A and 19B cannot be used to assert that Ouchi discloses the formation of the engagement grooves 425a and 426a as an oval, since the cited reference is silent as to any such shape, and does not disclose nor suggest that the drawings are drawn to scale.

Further, Applicants respectfully submit that claims 2-6, 12, and 13, which depend from amended, independent claim 1, should be allowable for at least the same reasons as claim 1, as

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well as for the additional features recited therein.

Applicants respectfully note that since the Examiner rejected claim 13 under 35 U.S.C. § 103(a) solely in view of Ouchi, it is unclear whether the Examiner intended to reject claim 13 under 35 U.S.C. § 102(e). But as noted previously, since claim 13 depends from amended, independent claim 1, claim 13 should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action, at page 3, claim 5 was rejected under 35 U.S.C. §103 in view of Ouchi et al. and Krude (U.S. Patent No. 4,529,254). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claim 5 recites "...wherein the outer race has an inlet mouth and a rear opening opposite to the inlet mouth and having a diameter smaller than a diameter of the inlet mouth, said outer race also having a fitting flange formed therewith at a location radially outwardly of an outer periphery of the inlet mouth and a cylindrical mount formed therewith to protrude axially outwardly from the opening, wherein the propeller shaft extends through the rear opening and is then engaged with the inner peripheral surface of the inner race."

The Examiner acknowledges that Ouchi that Ouchi does not disclose a rear opening which has a diameter smaller than a diameter of an inlet mouth, but contends that Krude does.

Applicants respectfully submit that the Examiner is misinterpreting and/or misapplying the cited references. For example, the Examiner maintains that hub 133 (Fig. 5) of Ouchi is the claimed inlet mouth. But hub 133 is not part of outer race 141, as is required by claim 5 (Ouchi col. 15, lines 56-61). Further, the Examiner maintains that second fitting flange 117 (Fig. 5) of Ouchi is the claimed fitting flange. But the second fitting flange 117 is not part of the outer race 141, as is required by claim 5. Rather, the second fitting flange 117 is part of hub body 131 (Ouchi col. 16, lines 37-40).

Accordingly, since Krude fails to cure the deficient teachings of Ouchi, Applicants respectfully submit that claim 5 patentably distinguishes over the cited art.

In the Office Action, at page 4, claims 7-9 were rejected under 35 U.S.C. §103 in view of Ouchi et al. and Yamamoto et al. (U.S. Patent No. 6,367,981). Additionally, in the Office Action,

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at page 5, claims 10-11 were rejected under 35 U.S.C. §103 in view of Ouchi et al. and Jacob et al. (U.S. Patent No. 5,580,313). Further, in the Office Action, at page 6, claim 13 was rejected under 35 U.S.C. §103 in view of Ouchi et al. (U.S. Patent No. 6,332,844). The reasons for the rejections are set forth in the Office Action and therefore not repeated. The rejections are traversed and reconsideration is requested.

Applicants respectfully submit that claims 7-11 and 13, which depend ultimately from independent claim 1, should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

Additionally, in rejecting claim 9, the Examiner maintains that a method of applying the claimed sulfurized layer is not given patentable weight. Applicants respectfully submit that claim 9 does not disclose a "method" for applying a sulfurized layer. Rather, claim 9 recites that "...the surface treatment layer is a low temperature sulfurized layer." This "...low temperature sulfurized layer" defines further structure of the claimed joint, and is not a "method" for applying a particular layer.

#### CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

A new Power of Attorney and Revocation of Prior Powers of Attorney was filed for this case on November 19, 2003. Therefore, please address all communications to Staas & Halsey LLP, USPTO customer No. 21171, at the address indicated below.

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Respectfully submitted,  
STAAS & HALSEY LLP

Date: 01 DEC 2003

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STAAS & HALSEY

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Date: 01 DEC 2003